

**Joe Hill
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April 25, 2006

Attorney Colin M. Thompson
The Law Offices of Colin M. Thompson
2nd Floor, J.E. Tenorio Building
Gualo Rai, Saipan, CNMI

Re: Confirmation of mutual agreement to exceed limitation
on the number of interrogatories

Dear Colin:

Accompanying this letter is Plaintiffs' First Set of Requests For Admissions and First Set of Interrogatories.

You will note that pursuant to our mutual understanding and as mentioned in Chamber with Judge Munson, the interrogatories exceed the number authorized by the rules as we had agreed, accordingly, I will not object and you may likewise exceed the limitation on interrogatories.

I sincerely appreciate the mutual spirit of cooperation regarding discovery.

Sincerely,

Joe Hill

Attachment: As indicated

EXHIBIT "A"

1 **JOE HILL, Esq.**
2 HILL LAW OFFICES
3 P.O. Box 500917
4 Saipan, MP 96950
5 Phone: (670) 234-6806/7743
6 Fax: (670) 234-7753

7 Attorney for Plaintiffs

8
9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE**
11 **NORTHERN MARIANA ISLANDS**

12 **ABELLANOSA, JOANNA,**
13 **ET AL.,**

14 Plaintiffs,

15 versus

16 **L & T INTERNATIONAL**
17 **CORPORATION,**

18 Defendant.

19 Civil Action No. 05-0010

20
21 **PLAINTIFFS' FIRST**
22 **SET OF REQUESTS FOR**
23 **ADMISSIONS AND**
24 **FIRST SET OF**
25 **INTERROGATORIES TO**
26 **DEFENDANT**

27
28 Pursuant to Rule 36, Federal Rules of Civil Procedure, Plaintiffs
29 request Defendant, within 30 days of service hereof, to make the following
30 admissions through an authorized officer or agent.

31
32 Pursuant to Rule 33, Federal Rules of Civil Procedure, the Plaintiffs
33 request the Defendant within 30 days of service hereof, to answer the
34 following interrogatories under oath. A copy of your answers shall be served

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1 upon counsel for Plaintiffs, Joe Hill at Hill Law Offices, Tokcha Avenue at Lulai
2 Way, Susupe, Saipan, CNMI.

3

4 Where the answers set forth in your answers to these interrogatories
5 are supplied upon information and belief, rather than upon the personal
6 knowledge of the person supplying the answers, the person supplying the
7 answers should so state, and further identify with specificity and particularity
8 the source(s) of such information and belief. In the event the person
9 supplying the answer to these interrogatories is unable to answer an
10 interrogatory, or a portion thereof, based on personal knowledge,
11 information or belief, the person supplying this information should so state
12 and further, describe with specificity and particularity, the efforts to obtain
13 such information and knowledge as to enable that person to answer the
14 interrogatories, or portions thereof.

15

16 In answering these interrogatories, you are required to furnish all
17 information however obtained, including hearsay, which is available to you,
18 including information known by or in possession of yourself, your agents,
19 investigators and your attorneys, or appearing in your records or files.

20

21 In answering these interrogatories, you must make a diligent search
22 of your records and of other papers and materials in your possession or
23 available to you, including information which is in the possession of your
24 attorneys, investigators for your offices, and not merely such information
25 known of your own personal knowledge.

26

1 If an interrogatory cannot be answered in full, answer to the extent
2 possible, specify the reason for your inability to answer the remainder, and
3 state whatever information and knowledge you have regarding the
4 unanswered portion.

5
6 With respect to each interrogatory, in addition to supplying the
7 information asked for and identifying the specific documents referred to,
8 identify and describe all documents to which you refer in preparing your
9 answers.

10
11 These interrogatories are continuing and the answers must be
12 supplemented to the maximum extent authorized by law and the applicable
13 rules. You are under a continuing duty seasonably to supplement your
14 response with respect to any question directly addressed to the identity and
15 location of persons having knowledge of discoverable matters and to correct
16 any response which you know or later learn to be incorrect or incomplete.

17
18 If a question asks you to "state" or "describe" about something,
19 some person or entity, or some procedure, this includes the words and calls
20 for the "identity" or "identification" of same or to "identify" regarding same.

21
22 You are reminded that all answers must be made separately and fully
23 and that an incomplete or evasive answer is a failure to answer.

24 I. DEFINITIONS AND CONSTRUCTION

25 A. For the purpose of this Plaintiffs' First Set of Requests for

1 Admissions and First Set of Interrogatories to Defendant, the terms listed
2 below are defined as follows:

3 1. The words "YOU," "YOUR," and "YOURSELF" and each variation
4 thereof shall mean and shall refer to Defendant L&T International
5 Corporation, and each and every officer, employee or agent of said
6 defendant.

7
8 2. The term "PLAINTIFFS" should be read as applying to the singular
9 or plural.

10
11 3. The term "DEFENDANT" shall mean L&T International Corporation
12 and, when not negated by the context, shall also mean each and every
13 officer, employee or agent of said defendant who has held or presently holds
14 such a position during the relevant time period.

15
16 4. The word "ANY" shall mean any and every.

17
18 5. The word "EACH" shall mean each and every.

19
20 6. The term "EMPLOYMENT RECORDS" include all files or collections
21 of information kept by any person for the use of any person reviewing or
22 evaluating the work of plaintiffs within the defendant employer's
23 organization. These terms include, but are not limited to, information on any
24 individual or aggregate of individuals concerning applicant flow, residence,
25 interviews, tests, evaluations, referral from referral agencies, length of
26 service, absences, tardiness, education level, selection, job assignment,

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1 performance, training, qualifications, validation of tests, promotion, health,
2 and/or safety, vacancies, job applications, test results, marital status, sex,
3 age, race, family status, recruitment, payroll records, fringe benefit records,
4 evaluations, assessments, reports, tests, and recommendations.

5

6 7. The word "DOCUMENT" means any writing, recording, or
7 photograph, as those terms are defined in Rule 1001 of the Federal Rules of
8 Evidence. All preliminary notes and drafts, and any non-identical copy of a
9 document (whether the difference from the original is because of notes made
10 upon the copy or otherwise) constitute separate document.

11

12 8. The word "IDENTIFY" when used with respect to a person or
13 persons means (1) state the name, current business and home addresses
14 and telephone number(s) of each such person; (2) denote the name of the
15 present employer, place of employment, and job title, if any, of each such
16 person, (3) state the race, sex, and age of the person.

17

18 9. The word "IDENTIFY" when used with respect to a document or
19 documents means (1) specify the nature of the document (for example,
20 letter, memorandum, etc.); (2) to state the date, if any, appearing on the
21 document, or, if not, the date upon which such document was prepared; (3)
22 to describe in general the subject matter of the document; (4) to identify
23 each person who wrote, signed, dictated or otherwise participated in the
24 preparation of a document; (5) to identify each person, if any, who was an
25 addressee thereof; (6) if it now exists, to identify each person having
26 custody of the document; (7) to state if you have custody or have had

1 custody of the document.

3 10. The terms "TERMINATE" and "TERMINATION" mean the ending
4 or concluding of employment including, but not limited to, resignation,
5 retirement, abandonment of work, firing, layoff, failure to renew a contract,
6 abolition of a position or job.

REQUESTS FOR ADMISSIONS AND REQUESTS FOR INTERROGATORIES

Request No. 1: Admit that defendant was aware of the existence and coverage of the Nonresident Workers Act (NWA).

Admit

Deny

Interrogatory No. 1: If your answer to Request for Admission No. 1 is anything other than unequivocal "Admit," please describe, state and explain in detail each fact and legal theory that the defendant believes supports or tends to support the defendant's answer to that Request for Admission, including the identity of documents that support or tend to support the defendant's answer and the identity of all persons who have knowledge of facts that the defendant believes supports or tends to support the defendant's answer to that Request for Admission.

Request No. 2: Admit that defendant was aware of the existence and coverage of the CNMI Minimum Wage and Hours Act (MWHA).

Admit

1 Deny

2

3 Interrogatory No. 2: If your answer to Request for Admission No. 2
4 is anything other than unequivocal "Admit," please describe, state and
5 explain in detail each fact and legal theory that the defendant believes
6 supports or tends to support the defendant's answer to that Request for
7 Admission, including the identity of documents that support or tend to
8 support the defendant's answer and the identity of all persons who have
9 knowledge of facts that the defendant believes supports or tends to support
10 the defendant's answer to that Request for Admission.

11

12 Request No. 3: Admit that defendant was aware of the existence and
13 coverage of the Fair Labor Standards Act (FLSA).

14 Admit

15 Deny

16

17 Interrogatory No. 3: If your answer to Request for Admission No. 3
18 is anything other than unequivocal "Admit," please describe, state and
19 explain in detail each fact and legal theory that the defendant believes
20 supports or tends to support the defendant's answer to that Request for
21 Admission, including the identity of documents that support or tend to
22 support the defendant's answer and the identity of all persons who have
23 knowledge of facts that the defendant believes supports or tends to support
24 the defendant's answer to that Request for Admission.

25 Interrogatory No. 4: Do you contend that defendant or plaintiff is
26 covered by any exemption provided by the NWA, FLSA or the regulations

1 issued thereunder or under an order, ruling, approval, interpretation,
2 administrative practice or enforcement policy of the CNMI DOL or the Federal
3 Administrator of the Wage and Hour Division as a defense to this action? If
4 so, —

- 5 a. state the citation of the statute, regulation, order, ruling,
6 approval, interpretation, administrative practice or enforcement policy
7 granting the exemption;
- 8 b. identify each fact upon which you rely to demonstrate the
9 applicability of the exemption;
- 10 c. state the workweeks for which the exemption applied;
- 11 d. identify each document upon which you rely to demonstrate
12 the applicability of the exemption; and
- 13 e. for each such regulatory order, ruling, interpretation,
14 administrative practice or enforcement policy, state how the defendant has
15 acted in conformity with the same.

16 Request No. 4: Admit that L&T International Corporation was,
17 during the three (3) years prior to the filing of this suit, an enterprise
18 engaged in commerce or in the production of goods for commerce within the
19 meaning of 29 USC §203(s).

20 Admit

21 Deny

22 Interrogatory No. 5: If your answer to Request for Admission No. 4
23 is anything other than unequivocal "Admit," please describe, state and
24 explain in detail each fact and legal theory that the defendant believes
25 supports or tends to support the defendant's answer to that Request for
Admission, including the identity of documents that support or tend to
support the defendant's answer and the identity of all persons who have

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1 knowledge of facts that the defendant believes supports or tends to support
2 the defendant's answer to that Request for Admission.

3 Interrogatory No. 6: Describe and give all names defendant has
4 been known by or used, the type of business engaged in, the company's
5 postal address, address of the head office, address of each manufacturing
6 facility owned and/or operated by defendant, the identity of defendant's
parent, subsidiary and affiliate businesses.

7

8 Interrogatory No. 7: State the following information regarding
9 defendant:

10 a. the name, address, and job classification of each and every
11 officer or employee of said corporation who was in the chain of command
12 between either plaintiff(s) and the person with the highest authority in
13 defendant's operation during the period January 1, 2003 to the date of
14 service of these interrogatories;

15 b. the name and address of each and every shareholder
16 owning at least five percent (5%) of any or all classes of stock in said
17 defendant's corporation during the period January 1, 2003 to the date of
18 service of these interrogatories; and

19 c. identify each and every person (by name, address, job
20 classification) responsible for the computation or payment of wages to the
21 plaintiffs-employees of defendant during the period January 1, 2003 to the
22 date of service of these interrogatories stating the function each such person
23 performed with respect to employee wage payments.

24 Interrogatory No. 8: From January 1, 2003 to present, identify the
25 name and job position of:

26 a. each and every corporate officer; and
27 b. each and every member of the Board of Directors of

1 defendant.

2 Request No. 5: Admit or deny that each plaintiff was hired for a term
3 of one year.

4 Admit

5 Deny

6

7 Interrogatory No. 9: If your answer to Request for Admission No. 5
8 is anything other than unequivocal "Admit," please describe, state and
9 explain in detail each fact and legal theory that the defendant believes
10 supports or tends to support the defendant's answer to that Request for
11 Admission, including the identity of documents that support or tend to
12 support the defendant's answer and the identity of all persons who have
13 knowledge of facts that the defendant believes supports or tends to support
14 the defendant's answer to that Request for Admission.

15

16 Request No. 6: Admit that plaintiffs' employment with defendant was
17 not at-will employment.

18 Admit

19 Deny

20

21 Interrogatory No. 10: If your answer to Request for Admission No.
22 6 is anything other than unequivocal "Admit," please describe, state and
23 explain in detail each fact and legal theory that the defendant believes
24 supports or tends to support the defendant's answer to that Request for
25 Admission, including the identity of documents that support or tend to
26 support the defendant's answer and the identity of all persons who have
knowledge of facts that the defendant believes supports or tends to support

1 the defendant's answer to that Request for Admission.

2
3 Request No. 7: Admit that the document attached hereto and
4 marked as Exhibit "1" is the nonresident worker contract form used by
5 defendant.

6 Admit

7 Deny

8 Interrogatory No. 11: If your answer to Request for Admission No.
9 is anything other than unequivocal "Admit," please describe, state and
10 explain in detail each fact and legal theory that the defendant believes
11 supports or tends to support the defendant's answer to that Request for
12 Admission, including the identity of documents that support or tend to
13 support the defendant's answer and the identity of all persons who have
14 knowledge of facts that the defendant believes supports or tends to support
15 the defendant's answer to that Request for Admission.

16 Request No. 8: Admit that the contract form in Exhibit "1" was
17 drafted by defendant.

18 Admit

19 Deny

20
21 Interrogatory No. 12: If your answer to Request for Admission No.
22 is anything other than unequivocal "Admit," please describe, state and
23 explain in detail each fact and legal theory that the defendant believes
24 supports or tends to support the defendant's answer to that Request for
25 Admission, including the identity of documents that support or tend to
26 support the defendant's answer and the identity of all persons who have

1 knowledge of facts that the defendant believes supports or tends to support
2 the defendant's answer to that Request for Admission.

3 Request No. 9: Admit that the nonresident contract form used by
4 defendant for plaintiffs is not the standard nonresident contract form used
5 by CNMI DOL.

6 Admit

7 Deny

8

9 Interrogatory No. 13: If your answer to Request for Admission No.
10 is anything other than unequivocal "Admit," please describe, state and
11 explain in detail each fact and legal theory that the defendant believes
12 supports or tends to support the defendant's answer to that Request for
13 Admission, including the identity of documents that support or tend to
14 support the defendant's answer and the identity of all persons who have
15 knowledge of facts that the defendant believes supports or tends to support
16 the defendant's answer to that Request for Admission.

17

18 Request No. 10: Admit that defendant inserted in plaintiffs' contracts
19 the "x" mark in subsection 1 under the provision for Food, Lodging and
20 Others on page 1 of the contract form used by defendant.

21 Admit

22 Deny

23

24 Interrogatory No. 14: If your answer to Request for Admission No.
25 is anything other than unequivocal "Admit," please describe, state and
26 explain in detail each fact and legal theory that the defendant believes

1 supports or tends to support the defendant's answer to that Request for
2 Admission, including the identity of documents that support or tend to
3 support the defendant's answer and the identity of all persons who have
4 knowledge of facts that the defendant believes supports or tends to support
5 the defendant's answer to that Request for Admission.

6

7 Request No. 11: Admit that Ma. Luisa Dela-Cruz Ernest was
8 employed as Manager of Human Resources for defendant, with policy level
9 and making authority, and authority to hire and fire plaintiffs, at all pertinent
10 times.

11

12 Interrogatory No. 15: If your answer to Request for Admission No.
13 11 is anything other than unequivocal "Admit," please describe, state and
14 explain in detail each fact and legal theory that the defendant believes
15 supports or tends to support the defendant's answer to that Request for
16 Admission, including the identity of documents that support or tend to
17 support the defendant's answer and the identity of all persons who have
18 knowledge of facts that the defendant believes supports or tends to support
19 the defendant's answer to that Request for Admission.

20

21 Request No. 12: Admit that Ma. Luisa Dela-Cruz Ernest was the
22 Manager of Human Resources for the business entities and corporations
23 under the L&T Group of companies.

24 Admit

25 Deny

1 Interrogatory No. 16: If your answer to Request for Admission No.
2 12 is anything other than unequivocal "Admit," please describe, state and
3 explain in detail each fact and legal theory that the defendant believes
4 supports or tends to support the defendant's answer to that Request for
5 Admission, including the identity of documents that support or tend to
6 support the defendant's answer and the identity of all persons who have
7 knowledge of facts that the defendant believes supports or tends to support
8 the defendant's answer to that Request for Admission.

9
10 Request No. 13: Admit that defendant and the L&T Group of
11 Companies share a single-centralized Human Resources Department.

12 Admit
13 Deny

14
15 Interrogatory No. 17: If your answer to Request for Admission No.
16 13 is anything other than unequivocal "Admit," please describe, state and
17 explain in detail each fact and legal theory that the defendant believes
18 supports or tends to support the defendant's answer to that Request for
19 Admission, including the identity of documents that support or tend to
20 support the defendant's answer and the identity of all persons who have
21 knowledge of facts that the defendant believes supports or tends to support
22 the defendant's answer to that Request for Admission.

23
24 Request No. 14: Admit that defendant signed and executed a
25 document entitled Application to Employ Nonresident Worker(s) and
26 Employer's Nonresident Worker Agreement, to employ plaintiffs as required
under the Nonresident Workers Act (NWA).

1 Admit

2 Deny

3

4 *Interrogatory No. 18:* If your answer to Request for Admission No.

5 14 is anything other than unequivocal "Admit," please describe, state and

6 explain in detail each fact and legal theory that the defendant believes

7 supports or tends to support the defendant's answer to that Request for

8 Admission, including the identity of documents that support or tend to

9 support the defendant's answer and the identity of all persons who have

10 knowledge of facts that the defendant believes supports or tends to support

11 the defendant's answer to that Request for Admission.

12

13 *Request No. 15:* Admit that defendant did not pay the physical

14 examination fees of the plaintiffs listed in Exhibit "4" of the First Amended

15 Complaint.

16 Admit

17 Deny

18

19 *Interrogatory No. 19:* If your answer to Request for Admission No.

20 15 is anything other than unequivocal "Admit," please describe, state and

21 explain in detail each fact and legal theory that the defendant believes

22 supports or tends to support the defendant's answer to that Request for

23 Admission, including the identity of documents that support or tend to

24 support the defendant's answer and the identity of all persons who have

25 knowledge of facts that the defendant believes supports or tends to support

26 the defendant's answer to that Request for Admission.

1 Request No. 16: Admit that defendant did not pay the health
2 certificate fees of the plaintiffs listed in Exhibit "4" of the First Amended
3 Complaint.

4 Admit

5 Deny

6

7 Interrogatory No. 20: If your answer to Request for Admission No.
8 16 is anything other than unequivocal "Admit," please describe, state and
9 explain in detail each fact and legal theory that the defendant believes
10 supports or tends to support the defendant's answer to that Request for
11 Admission, including the identity of documents that support or tend to
12 support the defendant's answer and the identity of all persons who have
13 knowledge of facts that the defendant believes supports or tends to support
14 the defendant's answer to that Request for Admission.

15

16 Request No. 17: Admit that plaintiffs listed in Exhibit "5" of the First
17 Amended Complaint were required by defendant to pay the fees for their
18 physical examination.

19 Admit

20 Deny

21

22 Interrogatory No. 21: If your answer to Request for Admission No.
23 17 is anything other than unequivocal "Admit," please describe, state and
24 explain in detail each fact and legal theory that the defendant believes
25 supports or tends to support the defendant's answer to that Request for
26 Admission, including the identity of documents that support or tend to

1 support the defendant's answer and the identity of all persons who have
2 knowledge of facts that the defendant believes supports or tends to support
3 the defendant's answer to that Request for Admission.

4

5 Request No. 18: Admit that plaintiffs listed in Exhibit "5" of the First
6 Amended Complaint were required by defendant to pay the fees for their
7 health certificates.

8 _____Admit

9 _____Deny

10

11 Interrogatory No. 22: If your answer to Request for Admission No.
12 18 is anything other than unequivocal "Admit," please describe, state and
13 explain in detail each fact and legal theory that the defendant believes
14 supports or tends to support the defendant's answer to that Request for
15 Admission, including the identity of documents that support or tend to
16 support the defendant's answer and the identity of all persons who have
17 knowledge of facts that the defendant believes supports or tends to support
18 the defendant's answer to that Request for Admission.

19

20 Request No. 19: Admit that defendant did not pay for the physical
21 examination fees and health certificate fees of plaintiffs.

22 _____Admit

23 _____Deny

24

25 Interrogatory No. 23: If your answer to Request for Admission No.
26 19 is anything other than unequivocal "Admit," please describe, state and

1 explain in detail each fact and legal theory that the defendant believes
2 supports or tends to support the defendant's answer to that Request for
3 Admission, including the identity of documents that support or tend to
4 support the defendant's answer and the identity of all persons who have
5 knowledge of facts that the defendant believes supports or tends to support
6 the defendant's answer to that Request for Admission.

7

8 Request No. 20: Admit that pursuant to the Nonresident Workers Act
9 (3 CMC §§ 4437[c]; 4438[b]), defendant-employer was required to pay the
10 fees for plaintiffs' physical examination.

11 Admit

12 Deny

13

14 Interrogatory No. 24: If your answer to Request for Admission No.
15 20 is anything other than unequivocal "Admit," please describe, state and
16 explain in detail each fact and legal theory that the defendant believes
17 supports or tends to support the defendant's answer to that Request for
18 Admission, including the identity of documents that support or tend to
19 support the defendant's answer and the identity of all persons who have
20 knowledge of facts that the defendant believes supports or tends to support
21 the defendant's answer to that Request for Admission.

22

23 Request No. 21: Admit that pursuant to the Nonresident Workers
24 Act (3 CMC §§ 4437[c]; 4438[b]), defendant-employer was required to pay
25 the fees for plaintiffs' health certificates.

26 Admit

1 Deny

2

3 Interrogatory No. 25: If your answer to Request for Admission No.

4 21 is anything other than unequivocal "Admit," please describe, state and

5 explain in detail each fact and legal theory that the defendant believes

6 supports or tends to support the defendant's answer to that Request for

7 Admission, including the identity of documents that support or tend to

8 support the defendant's answer and the identity of all persons who have

9 knowledge of facts that the defendant believes supports or tends to support

10 the defendant's answer to that Request for Admission.

11

12 Request No. 22: Admit that defendant promised to pay the fees for

13 plaintiffs physical examination and health certificate for the second year of

14 plaintiffs' employment.

15 Admit

16 Deny

17

18 Interrogatory No. 26: If your answer to Request for Admission No.

19 22 is anything other than unequivocal "Admit," please describe, state and

20 explain in detail each fact and legal theory that the defendant believes

21 supports or tends to support the defendant's answer to that Request for

22 Admission, including the identity of documents that support or tend to

23 support the defendant's answer and the identity of all persons who have

24 knowledge of facts that the defendant believes supports or tends to support

25 the defendant's answer to that Request for Admission.

26 Request No. 23: Admit that in calculating plaintiffs regular hourly

1 rate for overtime pay, defendant did not factor in the amount or reasonable
2 value of physical examination fees, and health certificate fees.

3 Admit

4 Deny

5 Interrogatory No. 27: If your answer to Request for Admission No.
6 23 is anything other than unequivocal "Admit," please describe, state and
7 explain in detail each fact and legal theory that the defendant believes
8 supports or tends to support the defendant's answer to that Request for
9 Admission, including the identity of documents that support or tend to
10 support the defendant's answer and the identity of all persons who have
11 knowledge of facts that the defendant believes supports or tends to support
12 the defendant's answer to that Request for Admission.

13 Request No. 24: Admit that defendant sometimes used workers from
14 affiliate corporations to perform work for defendant.

15 Admit

16 Deny

17 Interrogatory No. 28: If your answer to Request for Admission No.
18 24 is anything other than unequivocal "Admit," please describe, state and
19 explain in detail each fact and legal theory that the defendant believes
20 supports or tends to support the defendant's answer to that Request for
21 Admission, including the identity of documents that support or tend to
22 support the defendant's answer and the identity of all persons who have
23 knowledge of facts that the defendant believes supports or tends to support
24 the defendant's answer to that Request for Admission.

1 Request No. 25: Admit or deny that plaintiffs' employment was
2 terminated without just cause.

3 Admit

4 Deny

5 Interrogatory No. 29: If your answer to Request for Admission No.
6 25 is anything other than unequivocal "Admit," please describe, state and
7 explain in detail each fact and legal theory that the defendant believes
8 supports or tends to support the defendant's answer to that Request for
9 Admission, including the identity of documents that support or tend to
10 support the defendant's answer and the identity of all persons who have
11 knowledge of facts that the defendant believes supports or tends to support
12 the defendant's answer to that Request for Admission.

13 Request No. 26: Admit that defendant did not give each plaintiff ten
14 (10) days advance written notice before termination.

15 Admit

16 Deny

17 Interrogatory No. 30: If your answer to Request for Admission No.
18 26 is anything other than unequivocal "Admit," please describe, state and
19 explain in detail each fact and legal theory that the defendant believes
20 supports or tends to support the defendant's answer to that Request for
21 Admission, including the identity of documents that support or tend to
22 support the defendant's answer and the identity of all persons who have
23 knowledge of facts that the defendant believes supports or tends to support
24 the defendant's answer to that Request for Admission.

1
2 Interrogatory No. 31: For each plaintiff terminated, by defendant,
3 describe in detail and/or state:

4 a. the name, last known address, employer and employment
5 position of each and every person who in any way participated in the decision
6 to terminate each plaintiff;
7 b. the reason(s) for plaintiffs' termination of employment;
8 c. the name and last known address of each person who was
9 present when plaintiffs' employment was terminated; and
10 d. identify each and every document upon which you base your
11 answer to this interrogatory.

12
13 Interrogatory No. 32: State whether any employees and/or agents
14 of defendant took any notes and/or prepared any memoranda or other
15 writings during and/or in connection with the termination of plaintiffs'
16 employment with defendant. If yes, identify:

17 a. the name and job position of the individual who took the
18 notes and/or prepared the memoranda or other writings;
19 b. the location of the notes and memoranda; and
20 c. the substance of the notes and memoranda.

21
22 Interrogatory No. 33: Identify by date, location and participants of
23 each and every conversation in which the subject of termination of plaintiffs'
24 was discussed by defendant and any of its supervisors, officers or managers,
25 and state the substance of each such conversation.

1 Interrogatory No. 34: Describe in detail and identify by date each and
2 every correspondence, memorandum or other document in which the subject
3 of the termination of plaintiffs was discussed by defendant, its officers,
4 managers or other employees.

5 Interrogatory No. 35: State each and every date on which the
6 subject of plaintiffs' termination was discussed between: (1)
7 employees/officers of defendant; and (2) employees/officers of defendant
8 and third parties. For each such discussion:

- 9 a. identify each participating individual by name, job title and
10 employer;
- 11 b. describe the substance of each discussion; and
- 12 c. state whether any notes were taken during the discussion or
13 whether any memoranda or other written documents referring to the
14 discussion were subsequently created.

15
16 Interrogatory No. 36: Describe in detail, giving the dates of any
17 decision, resolution, discussion or consideration by the defendant's Board of
18 Directors, its officers and managers, concerning "on-going re-engineering
19 and reduction in force due to economic necessity."

20
21 Interrogatory No. 37: State whether any disciplinary or warning
22 action for job performance reasons or otherwise was ever taken against
23 plaintiffs any time during the course of their employment with defendant. If
24 yes, state:

- 25 a. the dates on which the disciplinary or warning action was
26 taken;

8 Request No. 27: Admit that defendant did not offer any position or
9 employment opportunity to the plaintiffs with the companies, corporations,
10 affiliates or business entities, affiliated or connected with or under the Tan
11 Holdings Corporation in lieu of terminating plaintiffs.

Admit

Deny

Interrogatory No. 38: If your answer to Request for Admission No. 27 is anything other than unequivocal "Admit," please describe, state and explain in detail each fact and legal theory that the defendant believes supports or tends to support the defendant's answer to that Request for Admission, including the identity of documents that support or tend to support the defendant's answer and the identity of all persons who have knowledge of facts that the defendant believes supports or tends to support the defendant's answer to that Request for Admission.

1 Admit

2 Deny

3

4 *Interrogatory No. 39:* If your answer to Request for Admission No.

5 28 is anything other than unequivocal "Admit," please describe, state and

6 explain in detail each fact and legal theory that the defendant believes

7 supports or tends to support the defendant's answer to that Request for

8 Admission, including the identity of documents that support or tend to

9 support the defendant's answer and the identity of all persons who have

10 knowledge of facts that the defendant believes supports or tends to support

11 the defendant's answer to that Request for Admission.

12

13 *Request No. 29:* Admit that defendant gave plaintiffs no advance

14 written notice of reduction in force (RIF) pursuant to the Worker Adjustment

15 and Retraining Notification Act (WARN). (29 U.S.C. § 2102(a)(1) and (2)).

16

17 Admit

18 Deny

19

20 *Interrogatory No. 40:* If your answer to Request for Admission No.

21 29 is anything other than unequivocal "Admit," please describe, state and

22 explain in detail each fact and legal theory that the defendant believes

23 supports or tends to support the defendant's answer to that Request for

24 Admission, including the identity of documents that support or tend to

25 support the defendant's answer and the identity of all persons who have

26 knowledge of facts that the defendant believes supports or tends to support

1 the defendant's answer to that Request for Admission.

2

3 Request No. 30: Prior to May 13, 2004, defendant did not give
4 plaintiffs a copy of their employment contract.

5 Admit

6 Deny

7

8 Interrogatory No. 41: If your answer to Request for Admission No.
9 30 is anything other than unequivocal "Admit," please describe, state and
10 explain in detail each fact and legal theory that the defendant believes
11 supports or tends to support the defendant's answer to that Request for
12 Admission, including the identity of documents that support or tend to
13 support the defendant's answer and the identity of all persons who have
14 knowledge of facts that the defendant believes supports or tends to support
15 the defendant's answer to that Request for Admission.

16

17 Request No. 31: Admit that plaintiffs did not read the substantive
18 content of their employment contract prior to signing.

19 Admit

20 Deny

21

22 Interrogatory No. 42: If your answer to Request for Admission No.
23 31 is anything other than unequivocal "Admit," please describe, state and
24 explain in detail each fact and legal theory that the defendant believes
25 supports or tends to support the defendant's answer to that Request for
26 Admission, including the identity of documents that support or tend to

1 support the defendant's answer and the identity of all persons who have
2 knowledge of facts that the defendant believes supports or tends to support
3 the defendant's answer to that Request for Admission.

4

5 Request No. 32: Admit or deny that the plaintiffs were told to eat
6 their lunch under a makeshift tent across the street from the place of work.

7 Admit

8 Deny

9

10 Interrogatory No. 43: If your answer to Request for Admission No.
11 32 is anything other than unequivocal "Admit," please describe, state and
12 explain in detail each fact and legal theory that the defendant believes
13 supports or tends to support the defendant's answer to that Request for
14 Admission, including the identity of documents that support or tend to
15 support the defendant's answer and the identity of all persons who have
16 knowledge of facts that the defendant believes supports or tends to support
17 the defendant's answer to that Request for Admission.

18 Request No. 33: Admit that none of defendant's Chinese workers
19 were required to eat their lunch under a tent.

20 Admit

21 Deny

22

23 Interrogatory No. 44: If your answer to Request for Admission No.
24 33 is anything other than unequivocal "Admit," please describe, state and
25 explain in detail each fact and legal theory that the defendant believes
26 supports or tends to support the defendant's answer to that Request for

1 Admission, including the identity of documents that support or tend to
2 support the defendant's answer and the identity of all persons who have
3 knowledge of facts that the defendant believes supports or tends to support
4 the defendant's answer to that Request for Admission.

5 Request No. 34: Admit that defendant's Chinese workers ate their
6 lunch in the company's air-conditioned Cafeteria.

7 _____ Admit

8 _____ Deny

9
10 Interrogatory No. 45: If your answer to Request for Admission No.
11 34 is anything other than unequivocal "Admit," please describe, state and
12 explain in detail each fact and legal theory that the defendant believes
13 supports or tends to support the defendant's answer to that Request for
14 Admission, including the identity of documents that support or tend to
15 support the defendant's answer and the identity of all persons who have
16 knowledge of facts that the defendant believes supports or tends to support
17 the defendant's answer to that Request for Admission.

18
19 Request No. 35: Admit that defendant is obligated to pay plaintiffs'
20 return airfare to the Philippines.

21 _____ Admit

22 _____ Deny

23
24 Interrogatory No. 46: If your answer to Request for Admission No.
25 35 is anything other than unequivocal "Admit," please describe, state and
26 explain in detail each fact and legal theory that the defendant believes

1 supports or tends to support the defendant's answer to that Request for
2 Admission, including the identity of documents that support or tend to
3 support the defendant's answer and the identity of all persons who have
4 knowledge of facts that the defendant believes supports or tends to support
5 the defendant's answer to that Request for Admission.

6 Request No. 36: Admit or deny that the three-page document
7 attached hereto and marked as Exhibit "2" is a genuine and authentic
8 document.

9 Admit

10 Deny

11 Interrogatory No. 47: If your answer to Request for Admission No.
12 36 is anything other than unequivocal "Admit," please describe, state and
13 explain in detail each fact and legal theory that the defendant believes
14 supports or tends to support the defendant's answer to that Request for
15 Admission, including the identity of documents that support or tend to
16 support the defendant's answer and the identity of all persons who have
17 knowledge of facts that the defendant believes supports or tends to support
18 the defendant's answer to that Request for Admission.

19 Interrogatory No. 48: Give the name(s) and address(es) of each
20 employee of the defendant having supervisory duties in relation to the
21 named plaintiffs.

22 Interrogatory No. 49: Identify each of plaintiffs' supervisors, state
23 (a) the dates during which each plaintiff was under the supervision of each
24 such supervisor; and (b) the language(s) in which the supervisor
25 communicated to plaintiffs in.

1 Interrogatory No. 50: State and describe the daily schedule of work,
2 meal breaks, and rest breaks for each of the plaintiffs during the period of
3 plaintiffs' employment with defendant.

4 Interrogatory No. 51: For each job classification held by either
5 plaintiff, at defendant's facilities during the period January 1, 2003 to the
6 date of service of interrogatories, state the plaintiffs' general duties and
7 responsibilities, and identify any documents (as defined in Rule 1001, Federal
8 Rules of Evidence) in defendant's possession or control, or of which it has
9 knowledge, reflecting any of the said information.

10 Interrogatory No. 52: List each present and former employee of the
11 defendant who has performed work as a Hand Packer during the time period
12 January 1, 2003 to the date of service of these interrogatories, and for such
13 employee, state the following:

- 14 a. the name, current or last known address, and the telephone
15 number of the employee;
- 16 b. the location(s) within the defendant's facilities and outside
17 in other business places at which the employee worked;
- 18 c. the job title of the employee (if more than one job title,
19 include the dates the employee held the particular job title);
- 20 d. the last date on which the employee worked for the
21 defendant (if the employee no longer works for defendant), and defendant's
22 stated reason(s) for termination of each such employee.

23 Interrogatory No. 53: Identify each and every fringe benefit
24 (including, but not limited to, health, life and disability insurance, pension
25 plan, profit sharing, bonus plan, savings plan and stock option plan) for
26 which the plaintiffs were eligible while employed by defendant. For each such

1 benefit, state:

- 2 a. the date on which each plaintiff became eligible for the
- 3 benefit;
- 4 b. the monthly cost to defendant for providing the benefit to
- 5 plaintiffs as of the last date of plaintiffs' employment with defendant;
- 6 c. where the defendant contributes to a fund for a particular
- 7 fringe benefit, state the basis for determining the amount of contribution
- 8 and the amount of each monthly contribution made by defendant per fringe
- 9 benefit for each and every month during the twelve (12) months preceding
- 10 plaintiffs' termination;
- 11 d. where eligibility for the fringe benefit is governed by vesting
- 12 requirements, identify those vesting requirements;
- 13 e. for any bonus or commission for which each plaintiff was
- 14 eligible, state the basis for determining the amount of bonus or commission
- 15 and identify each and every bonus or commission each plaintiff received
- 16 during the term of their employment; and
- 17 f. identify each and every document which in any way describes
- 18 each fringe benefit and the benefits thereunder.

19

20 *Interrogatory No. 54:* Identify and describe all fringe benefits

21 provided by defendant that were factored into defendant's calculation of

22 plaintiff(s) regular hourly rate.

23

24 *Interrogatory No. 55:* Identify all expert witnesses you may call at

25 the time of trial and state their opinions and the basis for those opinions.

26

27 *Interrogatory No. 56:* Identify by name, job position and last known

28 address, all persons having knowledge of plaintiffs' performance as Hand

29 Packers or Folders while at defendant-L&T.

1 Interrogatory No. 57: From January 1, 2003 to the present, state
2 whether severance pay or any other payments or benefits were given to any
3 of defendant's employees on or following the date of that employee's
4 termination of employment with defendant. If yes:

5 a. identify by name, job position (title) and date of termination
6 all persons who received such severance pay, payments or benefits, and
7 identify by name and job position all individuals at defendant who directed,
8 approved, recommended or were otherwise involved in the granting of such
9 severance pay, payments or benefits to those individuals;

10 b. state whether any company, corporation, affiliate or
11 business entity, affiliated or connected with or under the Tan Holdings
12 Corporation, their officers, employees and directors, directed, approved,
13 recommended or was otherwise involved in the payments;

14 c. describe the precise nature and amount of each item of
15 severance pay or other payment or benefit;

16 d. describe the precise factual basis and reason for each item
17 of severance pay or other payment or benefit given; and

18 e. identify each and every document upon which you base your
19 answer to this interrogatory.

20
21 Interrogatory No. 58: Describe in detail, stating each fact and legal
22 theory relied on, defendant's termination of plaintiffs based on "on-going re-
23 engineering and reduction in force due to economic necessity."

24
25 Interrogatory No. 59: Describe in detail, identifying each document
26 and opinion relied on, stating each fact and legal theory relied on, the

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1 process and procedures utilized by defendant in determining that each
2 plaintiff had to be terminated because of "on-going re-engineering and
3 reduction in force due to economic necessity," giving the date(s) of said
4 actions.

5

6 *Interrogatory No. 60:* Describe in detail and identify each and every
7 fiscal and economic indicator, occurrence, event, report, opinion and factor,
8 that defendant relied on in determining to terminate plaintiffs because of
9 "on-going re-engineering and reduction in force due to economic necessity."

10

11 *Interrogatory No. 61:* Identify and describe in detail each and every
12 employee that was laid-off, suffered a reduction in hours or was terminated
13 as a result of defendant's asserted "on-going re-engineering and reduction
14 in force due to economic necessity," during the period from January 1, 2001
15 through January 1, 2006.

16

17 *Interrogatory No. 62:* Identify and describe in detail each job vacancy
18 filled by defendant between January 1, 2001 and January 1, 2006.

19

20 *Interrogatory No. 63:* Identify and describe all defendant's employee
21 manuals and/or employee handbooks, rules and regulations, regarding
22 employee conduct, discipline and termination in existence for the period
23 January 1, 2003 to January 1, 2006. And if defendant will do so without a
24 formal request for production, provide copies of any such documents to
25 counsel for plaintiffs by attaching copies to defendant's answers to these
26 interrogatories.

1

2 *Interrogatory No. 64:* Give the names and addresses of all
3 businesses to which defendant supplied garments, goods or services for the
4 years 2001 to the present.

5 *Interrogatory No. 65:* Describe and identify all payments made to
6 plaintiffs for each work week and payroll period during plaintiffs' employment
7 with defendant, stating for each such period (a) each plaintiffs' regular hourly
8 wage rate; (b) hourly overtime rate; and (c) each plaintiff's gross and net
9 pay.

10 *Interrogatory No. 66:* State the amount of your net worth for each
11 of the last five fiscal years.

12 *Interrogatory No. 67:* From 2001 to present, state whether
13 defendant has ever been named a party to any action, whether
14 administrative or judicial (or was put on notice that such an action would be
15 initiated), wherein either allegations of breach of contract, failure to pay
16 wages, unlawful termination and bad faith breach of contract, breach of
17 covenants of good faith and fair dealings, intentional infliction of emotional
18 distress or fraud and deceit, were raised and, in so doing, state:

19 a. the name of each individual who named defendant as a party
20 or informed defendant that he/she intended to do so;

21 b. the date on which the action was filed or on which defendant
22 was put on notice that such action would or might be filed;

23 c. the final disposition of the action or notice that such action
24 would be pending; and

25 d. the docket number of any such action and the name of the
26 court or administrative agency in which it was filed.

1 Interrogatory No. 68: State and describe in detail, the legal and
2 factual basis for and supporting the defendant's First Affirmative Defense that
3 "Plaintiff fails to state a claim upon a relief can be granted" as set forth in its
4 Answer.

5 Interrogatory No. 69: State and describe in detail, the legal and
6 factual basis for and supporting the defendant's Second Affirmative Defense
7 that "Plaintiff's claims are barred by Waiver" as set forth in its Answer.

8 Interrogatory No. 70: State and describe in detail, the legal and
9 factual basis for and supporting the defendant's Third Affirmative Defense
10 that "Plaintiff's claims are barred by Estoppel" as set forth in its Answer.

11 Interrogatory No. 71: State and describe in detail, the legal and
12 factual basis for and supporting the defendant's Fourth Affirmative Defense
13 that "Plaintiff's claims are barred by Fraud" as set forth in its Answer.

14 Interrogatory No. 72: State and describe in detail, the legal and
15 factual basis for and supporting the defendant's Fifth Affirmative Defense
16 that "Plaintiff's claims are barred by the Statute of Limitations" as set forth
17 in its Answer.

18 Interrogatory No. 73: State and describe in detail, the legal and
19 factual basis for and supporting the defendant's Sixth Affirmative Defense
20 that "Plaintiff's claims are barred by Illegality" as set forth in its Answer.

21 Interrogatory No. 74: State and describe in detail, the legal and
22 factual basis for and supporting the defendant's Seventh Affirmative Defense
23 that "Plaintiff's claims are barred by Laches" as set forth in its Answer.

1 *Interrogatory No. 75:* State and describe in detail, the legal and
2 factual basis for and supporting the defendant's Eight Affirmative Defense
3 that "Plaintiff's claims are barred by Unclean hands" as set forth in its
4 Answer.

5 *Interrogatory No. 76:* State and describe in detail, the legal and
6 factual basis for and supporting the defendant's Ninth Affirmative Defense
7 that "Plaintiff's claims are barred by Release" as set forth in its Answer.

8 *Interrogatory No. 77:* State and describe in detail, the legal and
9 factual basis for and supporting the defendant's Tenth Affirmative Defense
10 that "Plaintiff's claims are barred by Statute of Frauds" as set forth in its
11 Answer.

12 *Interrogatory No. 78:* State and describe in detail what information,
13 documentation, and facts defendant had in its possession indicating and
14 supporting assertion that "Plaintiff's claims are limited because Plaintiff has
15 not suffered damage or because of Plaintiff's failure to mitigate damages" as
16 set forth in the Eleventh Affirmative Defense in its Answer.

17 *Interrogatory No. 79:* State the name(s), business address(es), and
18 job title(s) or capacity(ies) of the persons, officer(s), employee(s) or
19 agent(s) answering or providing any information used to answer any of these
20 Interrogatories.

21 Dated this 25th day of April, 2006.

25 **JOE HILL**
26 Attorney for Plaintiffs